

Exhibit 46

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

B.P.J, by her next friend and mother, HEATHER JACKSON

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA

Defendants,

and

LAINEY ARMISTEAD,

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

**INTERVENOR LAINEY ARMISTEAD'S
FIRST SUPPLEMENTAL DISCLOSURES PURSUANT TO RULE 26(A)(1)**

Pursuant to Fed. R. Civ. P. 26(a)(1), Intervenor Lainey Armistead submits her first supplemental disclosures.

I. Individuals likely to have discoverable information.

Armistead discloses the following individuals likely to have discoverable information that may be used to support her claims.

1. Lainey Armistead
c/o Christiana Holcomb
Alliance Defending Freedom
440 First Street NW, Suite 600
Washington, DC 20001
(202) 393-8690

Lainey Armistead may have discoverable information pertaining to the facts and

issues set forth within Intervenor Lainey Armistead's Memorandum in Support of Her Motion for Intervene, including, but not limited to, Armistead's experiences playing soccer growing up, the several benefits of participating in a team sport, her experience in competing at the collegiate level against female athletes, and the expected impact competing against males would have, on her and others.

2. B.P.J.

c/o Loree Stark
American Civil Liberties Union of West Virginia Foundation
P.O. Box 3952
Charleston, WV 25339-3952
(914) 393-4614

B.P.J. is likely to have discoverable information pertaining to this case, including, but not limited to the allegations within Plaintiff's First Amended Complaint.

3. Heather Jackson

c/o Loree Stark
American Civil Liberties Union of West Virginia Foundation
405 Capitol Street
Suite 507
Charleston, WV 25301
(914) 393-4614

Heather Jackson is likely to have discoverable information pertaining to this case, including, but not limited to the allegations within Plaintiff's First Amended Complaint.

4. Person Most Knowledgeable

West Virginia State Board of Education
c/o Kelly C. Morgan
c/o Kristen Vickers Hammond
c/o Michael W. Taylor
Bailey & Wyant
P.O. Box 3710
Charleston, WV 25337-3710

The person most knowledgeable of the West Virginia State Board of Education is likely to have discoverable information pertaining to general matters relating to this case, including the adoption of West Virginia Code § 18-2-25d ("the Sports Act"),

and policies of West Virginia State Board of Education.

5. Person Most Knowledgeable
Harrison County Board of Education
c/o Susah L. Deniker
Steptoe & Johnson
400 White Oaks Blvd.
Bridgeport, WV 26330

The person most knowledgeable of the Harrison County Board of Education is likely to have discoverable information pertaining to general matters relating to this case, including the adoption of the Sports Act, and policies of Harrison County Board of Education.

6. Person Most Knowledgeable
West Virginia Secondary School Activities Commission
c/o Anthony E. Nortz
Shuman McCusky & Slicer
P.O. Box 3952
Charleston, WV 25339

The person most knowledgeable of the West Virginia Secondary School Activities Commission is likely to have discoverable information pertaining to general matters relating to this case, including the adoption of the Sports Act, and policies of West Virginia Secondary School Activities Commission.

7. W. Clayton Burch, in his capacity of State Superintendent
c/o Kelly C. Morgan
c/o Kristen Vickers Hammond
c/o Michael W. Taylor
Bailey & Wyant
P.O. Box 3710
Charleston, WV 25337-3710

Mr. Burch is likely to have discoverable information pertaining to general matters relating to this case, including the adoption of the Sports Act, and policies of and as State Superintendent.

8. Dora Stutler, in her official capacity as Harrison County Superintendent
c/o Susah L. Deniker
Steptoe & Johnson

400 White Oaks Blvd.
Bridgeport, WV 26330

Dora Stutler is likely to have discoverable information pertaining to general matters relating to this case, including the adoption of the Sports Act, and policies of and as Harrison County Superintendent.

9. Patrick Morrissey, in his official capacity as Attorney General
c/o Curtis R. Capehart
WV Attorney General's Office
Building 1, Room 26e
1900 Kanawa Boulevard, East
Charleston, WV 25305

Mr. Morrissey is likely to have discoverable information pertaining to general matters relating to this case, including the adoption of the Sports Act, and policies of and as Attorney General.

10. Person Most Knowledgeable
The State of West Virginia
c/o Curtis R. Capehart
WV Attorney General's Office
Building 1, Room 26e
1900 Kanawa Boulevard, East
Charleston, WV 25305

The person most knowledgeable of the State of West Virginia is likely to have discoverable information pertaining to general matters relating to this case, including the adoption of the Sports Act, and policies of the State of West Virginia.

11. Selina Soule
c/o Christiana Holcomb
Alliance Defending Freedom
440 First Street NW, Suite 600
Washington, DC 20001
(202) 393-8690

Selina Soule may have discoverable information pertaining to the facts and issues set forth in this case, including the benefits of competing in girls-only sports, the experience of competing against two male athletes in girls' high school track and field, and the impact it had on her and other female competitors.

12. Chelsea Mitchell

c/o Christiana Holcomb
Alliance Defending Freedom
440 First Street NW, Suite 600
Washington, DC 20001
(202) 393-8690

Chelsea Mitchell may have discoverable information pertaining to the facts and issues set forth in this case, including the benefits of competing in girls-only sports, the experience of competing against two male athletes in girls' high school track and field, and the impact it had on her and other female competitors.

13. Christina Mitchell

c/o Christiana Holcomb
Alliance Defending Freedom
440 First Street NW, Suite 600
Washington, DC 20001
(202) 393-8690

Christina Mitchell may have discoverable information pertaining to the facts and issues set forth in this case, including the benefits of competing in girls-only sports, her daughter's experience competing against male athletes in girls' high school track and field, and the impact it had on her and other female competitors.

14. Alanna Smith

c/o Christiana Holcomb
Alliance Defending Freedom
440 First Street NW, Suite 600
Washington, DC 20001
(202) 393-8690

Alanna Smith may have discoverable information pertaining to the facts and issues set forth in this case, including the benefits of competing in girls-only sports, the experience of competing against a male athlete in girls' high school track and field, and the impact it had on her and other female competitors.

15. Linnea Saltz

4114 Davis Place, Northwest, Unit 207
Washington DC 20007
(702) 523-0545

Linnea Saltz may have discoverable information pertaining to the facts and issues set

forth in this case, including the benefits of competing in girls-only sports, the experience of competing against a male athlete in girls' college track and field, and the impact it had on her, and other female competitors.

16. Margaret O'Neal

917 Kana Place
Lahaina, Hawaii 96761
(808) 280-4423

Margaret O'Neal may have discoverable information pertaining to the facts and issues set forth in this case, including the benefits of competing in girls-only sports, the deflating experience of competing against a male athlete in girls' high school track and field, and the impact it had on her and other female competitors.

17. Cynthia Monteleone

917 Kana Place
Lahaina, Hawaii 96761
(808) 280-4423

Cynthia Monteleone may have discoverable information pertaining to the facts and issues set forth in this case, including the benefits of competing in girls-only sports, her daughter's experience of competing against a male athlete in girls' high school track and field, and the impact it had on her and other female competitors.

18. Madison Kenyon

c/o Christiana Holcomb
Alliance Defending Freedom
440 First Street NW, Suite 600
Washington, DC 20001
(202) 393-8690

Madison Keyon may have discoverable information pertaining to the facts and issues set forth in this case, including the benefits of competing in girls-only sports, the experience of competing against a male athlete in women's college track and field and cross-country and the impact it had on her, and other female competitors.

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19. Mary Kate Marshall
c/o Christiana Holcomb
Alliance Defending Freedom
440 First Street NW, Suite 600
Washington, DC 20001
(202) 393-8690

Mary Kate Marshall may have discoverable information pertaining to the facts and issues set forth in this case, including the benefits of competing in girls-only sports, the experience of competing against a male athlete in women's college track and field and cross-country and the impact it had on her, and other female competitors.

20. Darcy Aschoff
540 W. 700 South,
Lehi Utah, 84043
(702) 769-4287

Darcy Aschoff may have discoverable information pertaining to the facts and issues set forth in this case, including the benefits of competing in girls-only sports, her daughters' experience competing against a male athlete in girls' high school volleyball and the impact it had on her daughters and other female competitors.

21. Female athletes on the University of Pennsylvania women's swimming and diving team
University of Pennsylvania
Philadelphia, PA 19104
215-898-5000

Female swimmers on the University of Pennsylvania swimming and diving team may have discoverable information pertaining to the facts issues set forth in this case, including the benefits of competing in girls-only sports, the experience of competing against a male athlete in women's collegiate swimming and the impact it had on them and other female competitors.

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22. Haley Tanne
current address unknown
(801) 796-3235

Haley Tanne may have discoverable information pertaining to the facts and issues set forth in this case, including the benefits of competing in girls-only sports, the experience of competing against a male athlete in women's college track and field and cross-country and the impact it had on her, and other female competitors.

23. The following girls and women may have discoverable information pertaining to the facts issues set forth in this case, including the benefits of competing in female-only sports, the experience of competing against a male athlete in women's sports and the impact it had on them and other female competitors. The contact information for these girls and women is unknown.

- Anna Cameron, [College of Siskiyous](#) in 2012
- Shyanna Ashworth, [College of the Siskiyous](#) in 2012
- Brianne Burnside, [College of the Siskiyous](#) in 2012
- Carrie Watson, [College of the Siskiyous](#) in 2012
- Hailey Wales, [College of the Siskiyous](#) in 2012
- Mariia Rachiteleva, [Los Angeles THC Women in 2022](#)
- Katiana Sladanha, [Los Angeles THC Women in 2022](#)
- Patricia Fernandez, [Los Angeles THC Women in 2022](#)
- Sabrina Mcgauran, [Los Angeles THC Women in 2022](#)
- Natallia Zhelnova, [Los Angeles THC Women in 2022](#)
- Robyn Hargrove, competed in [2011 Border States Classic](#)
- Maikayla Malaspina, [Northern AZ women's track & field team](#) in 2020
- Malaina Thacker, [Idaho State women's track & field team](#) in 2020
- Molly Olsen, [Idaho State women's track & field team](#) in 2020
- Pipi Eitel, [Northern Arizona women's track & field team](#) in 2020

- Dawn Orwick, competed in [Masters Track World Championship](#) in 2019
- Kristen Herup Sovange, competed in [Masters Track World Championship](#) in 2019
- Kanani Lodge, [2022 DLS World Rankings](#)
- Katie Calderon, [2022 DLS World Rankings](#)
- Tamikka Brents, MMA fighter in 2014
- Heather Bassett, [XFO 50: Xtreme Fighting Organization 50](#)
- Ashlee Evans-Smith, [CFA 12: Championship Fighting Alliance 12](#)
- Allanna Jones, [CFA 11: Kyle v Wiuff](#)
- Erika Newsome, [CFA: 10 McSweeney vs. Staring](#)

II. Documents and tangible items.

Armistead points to L.Armistead_000001-000169 and the forthcoming Defendants' expert reports, and reserves the right to rely on documents produced by the other parties in this case to support her claims and defenses.

III. Computation of damages.

Armistead seeks an award of attorneys' fees pursuant to 42 U.S.C. §1988. Armistead reserves the right to supplement this response.

IV. Insurance Agreements.

Not applicable.

Dated this 11th day of February, 2022.

/s/ Brandon S. Steele

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